HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 13th June, 2006
Bail Application No. 389 of 2006

Order on the bail application of the accused.

CRIMINAL SIDE

Bhuwan Chandra
S/o Hari Ram
R/o Village Bhitadi Patti Kharahi
Police Station – Jhiroli Tehsil
District- Bageshwar .....Applicant

Versus

State of Uttaranchal .....Opposite Party

In Case Crime No. 65 of 2006
U/s 323, 504, 506, 302 I.P.C.
Police Station – Jhiroli
District – Bageshwar

Hon'ble J.C.S.Rawat, J.

Heard Sri Yogesh Pacholia-learned counsel for the applicant, learned AGA for the State and perused the record.

The F.I.R. was lodged on 03.04.2006 at about 7:30 a.m. by the brother of the deceased alleging therein that his brother Ram Prasad-deceased went to carry out the work as a labour with Madhav Singh, village Janoti. When he was coming back, he was beaten by the present accused-applicant and one co-accused mercilessly and he was forcibly administered liqor and thereafter he was made naked and he was pushed into a ditch and the co-accused treating him to be dead, left him at the spot. Thereafter the injured came to his house at about 8:30 pm. with Daya Kishan in an injured condition. He had narrated the entire incident in presence of his brother, Rajendra Prasad and Govind Ram. It was further contended by the prosecution that this statement was made before the different persons as dying declaration and this cannot be disbelieved. It is also in the evidence that the accused-applicant also reached at the spot when the deceased was narrating the incident and he had admitted before them that he had committed the offence.

Considering the facts and circumstance of the case in totality, it is not a fit case for bail at this stage.

Accordingly, the bail application is rejected.

(J.C.S. Rawat, J.)

Dated: 13.06.2006
Shiv